

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**DECLARATION**

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As below named inventors, we hereby declare that:

Our residence, post office addresses, and citizenship are as stated below next to our name.

We believe we are the original, and first inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled **MECHANICAL AND ACOUSTICAL SUSPENSION COATING OF MEDICAL IMPLANTS**, the application for which is filed herewith in the United States Patent and Trademark Office.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this declaration.

We acknowledge the duty to disclose all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

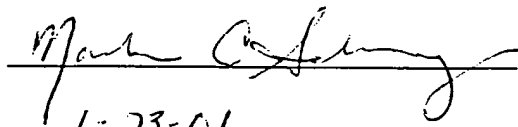
**None**

We hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

09/804,040 filed 3/13/2001; 09/551,614 filed 4/17/2000; and  
09/293,994 filed 4/19/1999

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor one : Marlene C. Schwarz

Inventor's signature : 

Date : 1-23-01

Residence : 161 Islington Road  
Auburndale, Massachusetts 02466

Citizenship : United States

Post Office Address : (same as above)

Full name of inventor two : Stanley Tocker

Inventor's signature : Stanley Tocker

Date : January 22, 2002

Residence : 4656 Norwood Drive  
Wilmington, Delaware 19803

Citizenship : United States

Post Office Address : (same as above)  
\_\_\_\_\_

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Marlene C. Schwarz and

Stanley Tocker

Group Art Unit: To Be Assigned

Serial No.: To Be Assigned

Examiner: To Be Assigned

Filing Date: Herewith

For: MECHANICAL AND ACOUSTICAL  
SUSPENSION COATING OF MEDICAL  
IMPLANTS**Honorable Commissioner of Patents and Trademarks**

Washington, DC 20231

**GRANT OF POWER OF ATTORNEY PURSUANT TO 37 C.F.R. § 3.71**

S I R:

Assignee hereby appoints: Charles R. Brainard (Reg. No. 21,069); John C. Altmiller (Reg. No. 25,951); Estelle J. Tsevdos (Reg. No. 31,145); Douglas E. Ringel (Reg. No. 34,416); Judith Toffenetti, (Reg. No. 39,048); Kristina Jahns (Reg. No. 41,092); Timothy M. Devlin (Reg. No. 41,706); William M. Merone (Reg. No. 41,993); Fred Grasso (Reg. No. 43,644); David Greenbaum (Reg. No. 46,739); Teresa Lavenue (Reg. No. 47,737); Dalia Grimberg (Reg. No. 47,611); Julie Stein (Reg. No. 43,158); Jennifer King (Reg. No. 46,828); Thomas Haag (Reg. No. 47,621); Scott Bluni (Reg. No. 40,916); Mark J. Casey (Reg. No. 37,796); Luke R. Dohmen (Reg. No. 36,783); Peter J. Gafner (Reg. No. 36,517); Albert K. Kau (Reg. No. 40,672); Steven A. McAuley (Reg. 46,084); Todd P. Messal (Reg. No. 42,883); Robert M. Rauker (40,782); and William J. Shaw (Reg. No. 43,111) to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith. All previous Powers of Attorney in connection with this application are hereby revoked. Please send all correspondence to:

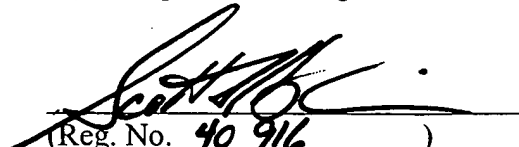
Charles R. Brainard  
KENYON & KENYON  
One Broadway  
New York, NY 10004

and direct all phone calls to Charles R. Brainard at (212) 425-7200.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

18 FEB 2002

Date

  
(Reg. No. 40,916)  
Patent Counsel

on behalf of: SCHEID LIFE SYS. INC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors: Marlene C. Schwarz and  
Stanley Tocker

Serial No.: To Be Assigned

Filing Date: Herewith

For: MECHANICAL AND  
ACOUSTICAL SUSPENSION  
COATING OF MEDICAL  
IMPLANTS

Group Art Unit: To Be Assigned

Examiner: To Be Assigned

**Honorable Commissioner of Patents and Trademarks**  
Washington, DC 20231

**CERTIFICATE UNDER 37 C.F.R. § 3.73(b)**

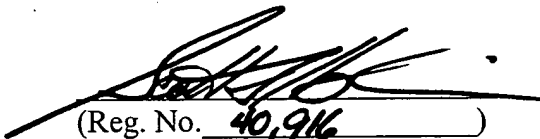
**SCIMED Life Systems, Inc.**, a corporation, certifies that it is the assignee of the entire right, title, and interest in the United States patent application identified above by virtue of an assignment from Act Medical. The assignment is being submitted to the United States Patent and Trademark Office for recordation, and a copy of the assignment and the recordation cover sheet are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

18 FEB 2002  
Date

  
(Reg. No. 40,916)  
Patent Counsel

on behalf of:  
SCHEID LIFE SYS, INC.



MAY 07, 2002

PTAS

Commissioner for Trademarks  
Arlington, VA 22202-3513  
www.uspto.gov

KENYON & KENYON  
FRED T. GRASSO  
1500 K STREET, N.W.  
SUITE 700  
WASHINGTON, D.C. 20005



\*102017485A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/01/2002

REEL/FRAME: 012663/0070  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SCHWARZ, MARLENE C.

DOC DATE: 01/23/2002

ASSIGNOR:

TOCKER, STANLEY

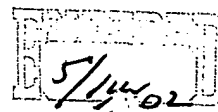
DOC DATE: 01/22/2002

ASSIGNEE:

SCIMED LIFE SYSTEMS, INC.  
ONE SCIMED PLACE  
AN ORGANIZATION OF THE STATE OF  
MINNESOTA  
MAPLE GROVE, MINNESOTA 55311-1566

SERIAL NUMBER: 09804040  
PATENT NUMBER:

FILING DATE: 03/13/2001  
ISSUE DATE:



012663/0070 PAGE 2

ANTIONE ROYALL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



03-15-2002



102017485

03/01/02

U.S. Department of Commerce  
Patent and Trademark Office  
**PATENT****CORDATION FORM COVER SHEET  
PATENTS ONLY**

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

**Submission Typ**

- ☒ New  
☐ Resubmission (Non-Recordation)  
 Document ID #   
☐ Correction of PTO Error  
 Reel #  Frame #   
☐ Corrective Document  
 Reel #  Frame #

**Conveyance Type**

- ☒ Assignment ☐ Security Agreement  
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**U.S. Government**

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- ☐ Departmental File ☐ Secret File

**Conveying Party(ies)**☐ Mark if additional names of conveying parties attachedName (line 1) 

Execution Date		
Month	Day	Year
01	23	2002

Name (line 2) **Second Party**Name (line 1) 

Execution Date		
Month	Day	Year
01	22	2002

Name (line 2) **Receiving Party**☐ Mark if additional names of receiving parties attachedName (line 1) Name (line 2) Address (line 1) Address (line 2) Address (line 3) 

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☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

**Domestic Representative Name and Address**

Enter for the first Receiving Party only.

Name Address (line 1) Address (line 2) Address (line 3) Address (line 4) **FOR OFFICE USE ONLY**

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:  
 Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

03/15/2002 6TON11 00000007 110600 10084868

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jc828 U.S. PTO  
 10/084868  
 03/01/02

10/084868  
03/01/02

**Correspondent Name and Address**

Area Code and Telephone Number

(202) 220-4311

Name Fred T. Grasso

Address (line 1) Kenyon & Kenyon

Address (line 2) 1500 K Street, N.W.

Address (line 3) Suite 700

Address (line 4) Washington, D.C. 20005

**Pages**

Enter the total number of pages of the attached conveyance document including any attachments

# 5

**Application Number(s) or Patent Number(s)**

☐ Mark if additional numbers attached.

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

09/804,040

10/084868

Patent Number(s)

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

**Patent Cooperation Treaty (PCT)**

Enter PCT application number only if a U.S. Application Number as not been assigned.

PCT

PCT

PCT

PCT

PCT

PCT

**Number of Properties**

Enter the total number of properties involved.

#

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41):

\$ 40.00

Method of Payment:

Enclosed ☐

Deposit Account ☒

Deposit Account

Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

# 11-0600

Authorization to charge additional fees:

Yes ☒

No ☐

**Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Fred T. Grasso (Reg. No. 43,644)

Name of Person Signing

Signature

February 28, 2002

Date

**ASSIGNMENT**

WHEREAS, We,

- 1) Marlene C. Schwarz, a citizen of United States; and
- 2) Stanley Tocker, a citizen of United States.

residing at

- 1) 161 Islington Road, Auburndale, Massachusetts 02466; and
- 2) 4656 Norwood Drive, Wilmington, Delaware 19803.

(hereinafter also referred to as "the Assignors"); have invented new and useful improvements in **MECHANICAL AND ACOUSTICAL SUSPENSION COATING OF MEDICAL IMPLANTS**, for which we have made application for Letters Patent of the United States, said application being filed in the United States Patent and Trademark Office herewith; and

WHEREAS, SCIMED LIFE SYSTEMS, INC., organized and existing under and by virtue of the laws of the State of Minnesota, having an office at One SCIMED Place, Maple Grove, Minnesota 55311-1566, (hereinafter referred to as "the Assignee"), is desirous of acquiring the entire right, title and interest in and to the application and invention therein described and claimed and any Letters Patent that may be issued upon the application or for the improvements therein contained.

NOW, THEREFORE, in consideration of One U.S. Dollar (U.S. \$1.00) and other valuable consideration furnished by Assignee to me, receipt and sufficiency of which I hereby acknowledge, I hereby, without reservations:

1. Assign, transfer, and convey to Assignee the entire right, title, and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation, and Convention applications based in whole or in part upon said inventions or discoveries, or upon said applications, and any and all Letters Patent, reissues, and extensions of letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications, and said Letters Patent.

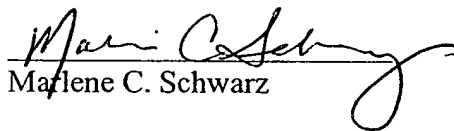
2. Authorize Assignee to file patent applications in any or all countries for any or all of said inventions and discoveries in my name or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise.

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title, and interest therein or otherwise as Assignee may direct.

4. Warrant that I have not knowingly conveyed to others any right in said inventions, discoveries, applications, or patents or any license to use the same or to make, use, or sell anything embodying or utilizing any of said inventions or discoveries; and that I have good right to assign the same to Assignee without encumbrance.

5. Bind my heirs, legal representatives, and assigns, as well as myself, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to me or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications, and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by me, my heirs, legal representatives, and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to me relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples, and other physical exhibits in my control or in the control of my heirs, legal representatives, or assigns which may be useful for establishing the facts of my conceptions, disclosures, and reduction to practice of said inventions and discoveries.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 23 day of Jun, 2002.

  
Marlene C. Schwarz

United States of America )

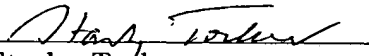
State/Commonwealth of \_\_\_\_\_ ) ss.:

County of \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_ 20\_\_, before me personally came **Marlene C. Schwarz**, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged execution of same.

\_\_\_\_\_  
Notary Public

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 22 day  
of January, 2002.

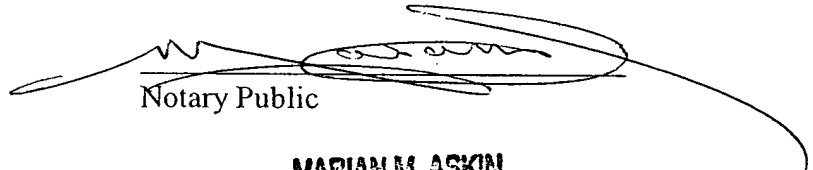
  
Stanley Tocker

United States of America )

State/Commonwealth of Delaware ) ss.:

County of New Castle )

On this 22 day of Jan 2002, before me personally came Stanley Tocker, to me  
known to be the individual described in and who executed the foregoing instrument, and  
acknowledged execution of same.

  
Notary Public

MARIAN M. ASKIN  
NOTARY PUBLIC-DELAWARE  
My Commission Expires June 4, 2002